

REMARKS

Elections/Restrictions

The referenced Office Action states that the application discloses the following patentably distinct inventions:

Group I, claims 1-25 and 28, drawn to an anodizing process for darkening a material containing zinc; and

Group II, claims 26 and 27, drawn to a chemical process for darkening a ZnFe alloy material.

In a telephone conference on September 16, 2003, between the Examiner and the undersigned, a provisional election of Group I, claims 1-25 and 28 was made without waiver, estoppel and without prejudice to the filing of one or more related applications directed to the subject matter of Group II. By this Response, Applicant hereby affirms this election.

Applicants submit that the foregoing election conforms this application to the Examiner's requirement to elect a single group.¹

§112 Rejections and Allowable Subject Matter

In the subject Office Action, claims 1-25 and 28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which Applicant regards as the invention. However, the Office Action notes that claims 1-24 and 28 contain allowable subject matter and would be allowed if the foregoing rejection were overcome.

In this regard, the Office Action indicates that the corresponding European Patent (EP 1 141 449) appears clearer than the claims as presently recited and suggests Applicant substitute the wording of the European claims with appropriate modification of dependencies to conform to United States multiple dependency practice. Applicant thank the Examiner for the suggestion and note that all of claims 1-28 have been canceled and new claims 29 through 53 corresponding to the European claims have been added. Applicant thus submits that any §112 rejections are thus obviated and Applicant therefore respectfully requests the rejections be withdrawn.

¹ Applicants note that upon entry of the amendments contained herein, all of claims 1-28 have been canceled, and new claims 29-53 (which correspond to the claims in Group I) have been added.

§§102 and 103 Rejections

In the subject Office Action, claim 25 stands rejected under 35 U.S.C. §§102 and 103, as anticipated by or, alternatively, as obvious over Cushman (1,953,997), Zahavi (4,574,041) or the Fry article "Anodic Oxidation of Zinc and a Method for Altering the Characteristics of the Anodic Films." As noted above, claim 25 has been canceled, thus obviating any rejections to this claim. Applicant therefore respectfully request any rejections be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the pending claims 29-53 properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

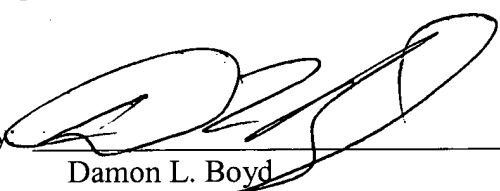
Accordingly, Applicants respectfully request allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

This statement does NOT authorize charge of the issue fee.

Respectfully submitted,

Dated: 6 January 2001

By


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